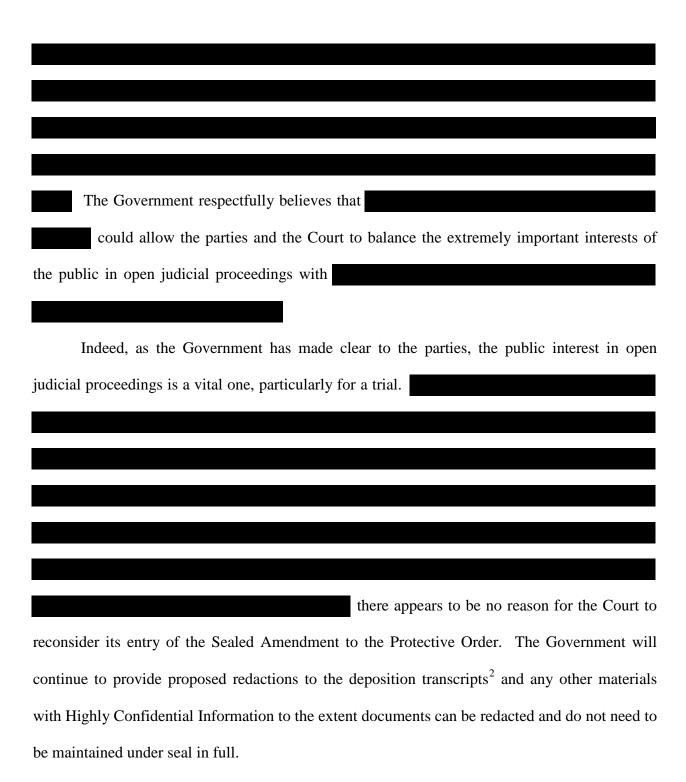
IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Civil Action No. 13-00527-F

U.S. TOBACCO COOPERATIVE INC., U.S. FLUE-CURED TOBACCO GROWERS, INC., and BIG SOUTH DISTRIBUTION, LLC, Plaintiffs, v.))))))))
BIG SOUTH WHOLESALE OF VIRGINIA, LLC, d/b/a BIG SKY INTERNATIONAL, BIG SOUTH WHOLESALE, LLC, UNIVERSAL SERVICES FIRST CONSULTING, A/K/A UNIVERSAL SERVICES CONSULTING GROUP, JASON CARPENTER, CHRISTOPHER SMALL, EMORY STEPHEN DANIEL, and other unnamed co-conspirators,	UNITED STATES OF AMERICA'S RESPONSE TO MATTHEW APUZZO'S MOTION TO INTERVENE AND TO UNSEAL THE RECORD IN THIS CASE FILED UNDER SEAL
Defendants,)
UNITED STATES OF AMERICA,))
Intervenor.))

The United States of America, by and through undersigned counsel, respectfully files this response to Matthew Apuzzo's motion to intervene and unseal the entire record in this case. As the Government has made clear to the parties, consistent with relevant case law and with the Government's obligations under 28 C.F.R. § 50.9, 1 the Government opposes the closure of the courtroom for the purposes of the upcoming trial, but believes that the Court ordered Sealed Amendment to the Protective Order should remain in place. The Government remains hopeful that the parties can come to agreement on how to conduct an open trial

The Government has not (and will not) seek authorization from either the Deputy Attorney General or the Associate Attorney General for the Civil Division to consent to the complete sealing the courtroom for purposes of trial. Further, the Government will continue to affirmatively oppose the complete sealing of the courtroom for trial.



In conclusion, Mr. Apuzzo's motion to unseal the case – which is in essence a motion for reconsideration of the Sealed Amendment to the Protective Order – should be denied. But Mr. Apuzzo and the general public should have the benefit of an open trial with appropriate

To date, none of the Government's redactions have been challenged by the parties.

safeguards and the Government opposes the complete sealing of the courtroom for purposes of the trial in this matter.

CONCLUSION

WHEREFORE, the United States of America respectfully requests that the Court deny Matthew Apuzzo's motion to intervene and unseal the record in this case.

On this, the 12th day of September, 2016.

Respectfully submitted,

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By: /s/

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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I, Wynne P. Kelly, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

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